

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILFREDO TORRES,

Plaintiff,

-against-

UNITED STATES DEPARTMENT OF JUSTICE; RUBY KRAJICK; SYLVIA HINDS-RADIX; CAROLYN KAY DEPOIAN; MARY K. SHERWOOD,

Defendants.

23-CV-2358 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. He alleges that in his pending case, *Torres v. City of New York*, No. 19-CV-6332 (ER), the Clerk of Court failed to mail to him the order (ECF 144) addressing defendants' motion for a stay.¹ He further alleges that counsel for defendants in that matter fabricated an order, forged Judge Ramos's signature, and replaced the legitimate order on the docket with the fabricated order. Plaintiff asserts in this complaint that, in doing so, the Clerk of Court and counsel "committed numerous felonies," and that they did so in order "[t]o cover-up crimes by defendants of the Deep State-CIA-FBI-COINTELPRO's domestic assassinations program." 23-CV-2358 (ECF 1 at 13). The Court dismisses the complaint for the following reasons.

Plaintiff has already raised this issue in the case pending before the Honorable Edgardo Ramos of this court under docket number 19-CV-6332 (ER) (ECF 216) ("Motion to Disbar and Jail Lawyers Who Fabricated a 6-Page Court Order, Falsified the Judge's Signature, & Replaced a Legit Court Order."); (ECF 220) ("Plaintiff's Motion to Stay the Proceedings Until Resolution

¹ A notation on the docket in that case indicates that the order (ECF 144) was mailed to Plaintiff at his address of record on October 28, 2021.

of Felony Crimes Committed by the Clerk of Court, & Three (3) Defense Lawyers"). As this complaint raises the same claim already pending before Judge Ramos, no useful purpose would be served by litigating this duplicate lawsuit.² Therefore, this complaint is dismissed without prejudice to resolution of these issues in Plaintiff's pending case under docket number 19-CV-6332 (ER).

Plaintiff has previously been warned that continued filing of nonmeritorious actions will result in an order limiting his ability to proceed *in forma pauperis* in new cases. That warning remains in effect.

CONCLUSION

Plaintiff's complaint is dismissed as duplicative of 19-CV-6332 (ER) (Nos. 216, 220) because he is already litigating this matter in that pending suit.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppededge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 6, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

² Although the U.S. Department of Justice, which is named as a defendant in this action, is not a party to the suit before Judge Ramos, the Court concludes that this does not provide a basis for permitting this duplicate matter to proceed as a separate action.